

Message Text

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64

ACTION EB-07

INFO OCT-01 EUR-12 IO-10 ISO-00 EA-10 COME-00 AGR-10

CIAE-00 INR-07 NSAE-00 STR-04 L-02 /063 W

----- 016488

R 221455Z MAY 75

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 6519

INFO USDEL MTN GENEVA

UNCLAS OTTAWA 1919

E.O. 11652: N/A

TAGS: ETRD, EAGR, CA

SUBJECT: GOC LABELING REQUIREMENTS -WHOLESALE MEAT CARTONS

PASS AGRICULTURE

1. AS RESULT CONVERSATIONS WITH AUSTRALIAN TRADE COMMISSIONER IN OTTAWA AND WITH GOC OFFICIALS, AGATT HAS LEARNED THAT GOC, AND POSSIBLY QUEBEC PROVINCE, INTEND TO REQUIRE BILINGUAL LABELING OF WHOLESALE MEAT CARTONS BEGINNING IN MARCH 1976 (SEE OTTAWA REPORT TO USDA CN5056, APRIL 16). AUSTRALIAN HIGH COMMISSION HAS HANDED GOC AIDE MEMOIRE DATED MAY 16 WHICH EXPRESSES AUSTRALIAN CONCERN ABOUT ADVERSE IMPACT OF THIS REQUIREMENT ON AUSTRALIAN EXPORTERS AND RAISES QUESTION ABOUT REASONS FOR REQUIREMENT. TEXT IS QUOTED IN PARA 3 BELOW.

2. AUSTRALIAN HIGH COMMISSION REP HAS INFORMED EMBASSY THAT ON SEVERAL OCCASIONS WHEN AUSTRALIANS HAVE DISCUSSED THIS PROBLEM WITH GOC OFFICIALS, LATTER HAVE STATED THAT USG DOES NOT OBJECT TO THE REGULATION. AUSTRALIANS HAVE ASKED WHETHER IT IS CORRECT THAT U.S. DOES NOT OBJECT. EMBOFF COMMENTED THAT HE DID NOT THINK USG HAD FOCUSED ON THESE REQUIREMENTS BUT WOULD SEEK STATEMENT OF U.S. POSITION. AUSTRALIAN REP SAID THAT HE WILL BE MEETING WITH CANADIAN

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OFFICIALS FROM SEVERAL DEPARTMENTS, INCLUDING

AGRICULTURE AND CONSUMER AND CORPORATE AFFAIRS, ON FRIDAY, MAY 23 AND IT WOULD BE HELPFUL TO KNOW WHERE U.S. STOOD BY THAT TIME IF POSSIBLE. EMBASSY WOULD APPRECIATE DEPARTMENT'S ADVICE.

3. FOLLOWING IS TEXT OF AUSTRALIAN AIDE MEMOIRE:
BEGIN VERBATIM TEXT:

THE AUSTRALIAN GOVERNMENT IS CONCERNED TO LEARN FROM THE CANADIAN DEPARTMENT OF AGRICULTURE THAT 60 LB CARTONS OF FROZEN BONELESS MEAT WILL HAVE TO BE BILINGUALLY LABELLED IN TERMS OF THE FOOD AND DRUG REGULATIONS WHICH ARE TO BE IMPLEMENTED IN MARCH 1976. THIS ADVICE, RECEIVED ONLY RECENTLY, HAS CAUSED CONFUSION SINCE IT WAS OUR UNDERSTANDING, FROM DISCUSSIONS WITH DEPARTMENTS, THAT SUCH CARTONS WOULD BE EXEMPT FROM THE BILINGUAL REQUIREMENTS. IT HAD BEEN OUR UNDERSTANDING ALSO THAT THESE REGULATIONS, TOGETHER WITH THE CONSUMER PACKAGING AND LABELLING REGULATIONS, WERE DESIGNED TO APPLY TO PRODUCTS SOLD AT THE RETAIL LEVEL.

AUSTRALIA DOES NOT DISPUTE CANADA'S PREROGATIVE TO INTRODUCE REGULATIONS IN THE FIELDS OF CONSUMER PROTECTION AND SAFETY STANDARDS FOR FOOD AND DRUGS. HOWEVER, IT IS DIFFICULT TO UNDERSTAND THE NEED FOR PROTECTION BY WAY OF BILINGUAL LABELLING ON WHOLESALE PACKS WHICH ARE NOT SOLD AT THE RETAIL LEVEL. INDEED IT APPEARS THAT THE REGULATIONS WILL INCREASE COSTS TO EXPORTERS AND, THEREFORE, TO CONSUMERS WITHOUT ANY ADDITIONAL HEALTH OR CONSUMER PROTECTION. THE AUSTRALIAN INDUSTRY HAS REPORTED THAT CONSIDERABLE EXPENSE AND INVONVENIENCE WOULD BE INVOLVED IN COMPLYING WITH ANY BILINGUAL LABELLING REQUIREMENT FOR WHOLESALE PACKS.

CLARIFICATION OF THE LEGAL BASIS FOR THIS DECISION WITH RESPECT TO WHOLESALE PACKS WOULD BE APPRECIATED, HAVING REGARD TO (A) THE OFFICIAL LANGUAGES ACT OF 1968/69 WHICH DECLARES THAT ENGLISH AND FRENCH WOULD BOTH BE OFFICIALLANGUAGES IN UNCLASSIFIED

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CANADA, AND (B) THE DIFFERING DEFINITIONS FOR PREPACKAGED PRODUCTS IN THE CONSUMER PACKAGING AND LABELLING ACT, CONSUMER PACKAGING AND LABELLING REGULATIONS, AND THE FOOD AND DRUG REGULATIONS.IT IS OUR UNDERSTANDING THAT IN RESPECT OF WHOLESALE CARTONS OF MEAT THE DEFINITION OF PREPACKAGED PRODUCT IN THE FOOD AND DRUG REGULATIONS IS TO BE APPLIED.

IF THE DECISION IS IMPLEMENTED, IT WILL
SERIOUSLY IMPAIR THE FLEXIBILITY WHICH EXPORTERS
NORMALLY ENJOY SINCE SPECIAL CARTONS WOULD BE REQUIRED
FOR THE CANADIAN MARKET AND DOUBLE HANDLING WOULD BE
INVOLVED. WE ARE ADVISED THAT THE USE OF BILINGUALLY
LABELLED CARTONS WOULD CAUSE MARKETING PROBLEMS IN A
NUMBER OF OUR CURRENT EXPORT MARKETS.

THE AUSTRALIAN GOVERNMENT WOULD BE INTERESTED TO
LEARN OF ANY EXAMPLES OF WHERE A HEALTH PROBLEM HAS
ARISEN BECAUSE THE CANADIAN OFFICIAL INVOLVED IN
INSPECTION OF IMPORTED MEAT DID NOT UNDERSTAND ENGLISH.

IN THE CIRCUMSTANCES, AND BEARING IN MIND THE
IMPEDIMENT TO TRADE WHICH IS INVOLVED, THE AUSTRALIAN
GOVERNMENT REQUESTS EXEMPTION FOR WHOLESALE PACKS OF
MEAT FROM THE BILINGUAL REQUIREMENT OF THE REGULATIONS.

ALTHOUGH MEAT IS THE MAJOR ITEM INVOLVED, THERE
IS CONCERN ALSO BECAUSE OF THE IMPLICATIONS FOR OTHER
PRODUCTS SHIPPED IN WHOLESALE PACKS, SUCH AS CARTONS
OF CANNED FRUIT, BUTTER AND DRIED FRUIT.
END VERBATIM TEXT.
PORTER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LABELING, MEATS, CONTAINERS
Control Number: n/a
Copy: SINGLE
Draft Date: 22 MAY 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975OTTAWA01919
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750180-0659
From: OTTAWA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750527/aaaaayel.tel
Line Count: 139
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: SmithRJ
Review Comment: n/a
Review Content Flags:
Review Date: 24 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <24 JUL 2003 by SilvaL0>; APPROVED <02 FEB 2004 by SmithRJ>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GOC LABELING REQUIREMENTS -WHOLESALE MEAT CARTONS PASS AGRICULTURE
TAGS: ETRD, EAGR, CA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006